



PATENT

Attorney Docket No. 29498/30004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hillman et al.

Serial No.: 09/724,279

Filed: November 28, 2000

For: Cordless Blind

Group Art Unit: 3634

Examiner: B. Johnson

) I hereby certify that this paper is being
) deposited with the United States Postal
) Service as first class mail, postage
) prepaid, in an envelope addressed to:
) Mail Stop Appeal Brief-Patents,
) Commissioner for Patents, P.O. Box
) 1450, Alexandria, VA 22313-1450 on
) this date:

) November 4, 2003
)
)
)
)
)
)
)
)
)

Scott E. Baxendale
Scott E. Baxendale
Reg. No. 41,605
Attorney for Applicant

REPLY BRIEF

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Examiner's Answer mailed September 4, 2003 in connection with the above-identified patent application, Appellants respectfully submit the instant Reply Brief in accordance with 37 C.F.R. § 1.193.

This Reply Brief is filed in triplicate as required under 37 C.F.R. § 1.192(a) and is filed within the two-month time period for reply to the Examiner's Answer.

REMARKS

Initially, Appellants wish to thank Examiner Johnson for clarifying that the Carouso reference has been completely overcome as a basis for rejecting any of the claims of the present application.

Regarding the rejections of claims 12, 13, 15, 17, 18 and 49-51, contrary to the Examiner's position, a person skilled in the art would not be motivated to add Griswold's brake mechanism to Kuhar's cordless blind system because Griswold's brake applies force only in the direction of unwinding a cord or chain. The Examiner characterizes the Appellants' problem as "the ability of a spring motor used to support suspended articles to be adjusted so that it may be in a balanced condition regardless of the weight of the suspended articles." (Examiner's Answer pp. 5-6). As stated by the Examiner, a cordless blind will not stay in a balance position if the weight of the suspended article is either too great (i.e. the strength of the spring is insufficient to prevent the cord from unwinding) or too little (i.e. the weight of the bottom rail and accumulated slats is insufficient to prevent the spring from rewinding the cords). (Examiner's Answer p. 5). Therefore, one skilled in the art would look to mechanisms capable of balancing the cordless blind if the blind is either too heavy or too light for the spring motor. One example of such a mechanism for balancing a cordless blind in either condition is the spring 214 of Figure 12B that applies a force to the storage drum 232 when the drum 232 rotates both to wind the cords onto the spools and to unwind the cords from the spools.

Unlike these mechanisms, Griswold's brake J applies a force when the drum A rotates in the direction to unwind the cords or chains, while relaxing the pressure of the brake when the drum A rotates to rewind the cords or chains, thereby allowing the drum A to rotate freely. When the drum A rotates to unwind the cords, frictional contact between the brake J and the drum A cause the brake J to rotate, with the abutments d bearing against the cams I to force the brake J downwardly to bear with greater force on the drum A. (Griswold, page 2, lines 6-18). When the cords or chains are rewound, the spring C rotates the drum A in a reverse direction, with the abutments d bearing on the cams I' to raise the brake upwardly away from the drum A, thereby relaxing the pressure of the brake J upon the drum A and allowing the drum A to rotate freely. (Griswold, page 2, lines 26-42).

Griswold's brake J may balance or brake the spring motor of Kuhar's cordless blind if the blind is too heavy for the spring motor, but would not balance the cordless blind if the blind is too light for the spring motor, such as when the blind is cut down to fit a short, narrow window. As the force of the spring motor tends to rotate the

spring motor and spools to rewind the cords, Griswold's brake J will move away from the spring motor or drum in the manner described in the reference, thereby relaxing the pressure, allowing the spring motor and spool to rotate freely, and raising the blind instead of maintaining a balanced position. Because Griswold's mechanism brakes in one direction only, one skilled in the art would not be motivated to modify Kuhar's cordless blind to incorporate Griswold's brake J to maintain a balanced condition of a cordless blind regardless of the weight of the blind. Consequently, Appellants' respectfully request that the rejection of claims 12, 13, 15, 17, 18, and 49-51 over Kuhar in view of Griswold be reversed.

Regarding the rejection of claims 38-41, Appellants' respectfully disagree with the Examiner's conclusory assertion that the Kuhar and Judkins *et al.* references are "clearly analogous." (See Examiner's Answer at pp. 7-8). While the references relate broadly to blinds and shades, Kuhar relates to cordless blinds wherein variations in the weight of the blind affect the ability of the blind to be balanced in a given position, whereas Judkins *et al.* relates to a traditional corded blind that is not balanced by a spring motor and instead includes a locking mechanism to control the raising and lowering of the shade and to maintain the bottom rail in a fixed position. (See, e.g., Judkins *et al.*, col. 6, lines 43-48). Moreover, because of the locking mechanism in Judkins *et al.* and other corded blinds, weight may be added to or removed from the corded blinds without affecting the ability to set the quarter blind in any desired position and, therefore, balancing the blinds is not an issue. Consequently, one skilled in the art attempting to balance a cordless blind where the suspended amount of weight is critical to balancing the system would not be motivated to look to the corded blind art which does not involve balanced systems and in which the suspended amount of weight does not affect the positioning of the blind. Because the Kuhar and Judkins *et al.* references are not analogous, and because one skilled in the art would not be motivated to look to corded blinds for solutions to balancing cordless blinds, the combination of the Kuhar and Judkins *et al.* references proposed by the Examiner does not render claims 38-41 obvious and, consequently, Appellants' respectfully request reversal of the Examiner's rejection of these claims.

Appellants submit that the rejections under 35 U.S.C. § 103 should be reversed for the reasons submitted in Appellants' Appeal Brief filed June 11, 2003 and for the reasons submitted above.

November 4, 2003

Respectfully submitted,
MARSHALL, GERSTEIN & BORUN LLP
6300 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606-6357
(312) 474-6300

By: Scott E. Baxendale
Scott E. Baxendale
Registration No.: 41,605